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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,482

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Anders Westerdahl

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,482	Applicant(s) WESTERDAHL, ANDERS	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>051208</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of a holding device in the reply filed on April 7, 2008 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Younie (US 6,217,000, of record). As best depicted in Figure 14, Younie teaches a holding device comprising a support element in which a first region 44 and second region 48 press against an item 24. The reference further teaches that the respective regions of the support element can be formed of multiple materials having different coefficients of thermal expansion (which equates to different pressure applications) (Column 4, Lines 25-35). As such, the holding device of Younie is capable of satisfying the claimed pressure relationship. It is emphasized that the claims as currently drafted are directed to a holding device and it is only required that the device be capable of operating at the claimed pressure conditions (it is not required for the reference to expressly disclose the claimed pressure condition). Lastly, the claim requires that the support element (second region) is fixedly arranged in the holding device at a pivot point. Although each of the regions of the support element are fastened with multiple

fasteners, the assembly can still be viewed as being arranged at a pivot point. In particular, the region 48, which contacts the item but does not apply a substantial amount of pressure, is fixedly arranged at a hypothetical pivot point located in the center of the widthwise extent of said region 48. It is emphasized that the claims are not directed to a method in which the region is pivoted around a pivot point- the claims only require that the region be capable of being pivoted around such a point. In this instance, the hypothetical center point can be viewed as a pivot point.

Regarding claim 4, Figure 14 depicts such an arrangement, it being noted that the claimed arrangement does not further define the structure of the claimed holding device.

With respect to claim 5, the holding device of Younie is capable of holding an item in accordance to the claimed invention- it is emphasized, though, that the claims are directed to a holding device and not a system comprising said holding device and an item containing a core and a beam frame surrounding s core and including at least two beams (limitations are directed to structure of item, not claimed holding device).

Regarding claim 6, the holding device of Younie has the capability of having regions that satisfy the claimed relationship. It is emphasized that the claims are directed to a holding device and the amount of pressure applied by respective regions does not further define the structure of the claimed holding device.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (JP 2003-291127). As best depicted in Figures 1 and 4, Kaneko teaches a holding device comprising a first region 40 and a second region 30 that is pivotably fixed

(Abstract). In view of this arrangement, the holding device of Kaneko is capable of satisfying the claimed pressure relationship.

Regarding claim 4, the claimed arrangement does not further define the structure of the claimed holding device (holding device of Kaneko is capable of satisfying claimed relationship).

With respect to claim 5, the holding device of Kaneko is capable of holding an item in accordance to the claimed invention- it is emphasized, though, that the claims are directed to a holding device and not a system comprising said holding device and an item containing a core and a beam frame surrounding s core and including at least two beams (limitations are directed to structure of item, not claimed holding device).

Regarding claim 6, the holding device of Kaneko has the capability of having regions that satisfy the claimed relationship. It is emphasized that the claims are directed to a holding device and the amount of pressure applied by respective regions does not further define the structure of the claimed holding device.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791
July 18, 2008